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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,202	11/17/2003	Douglas Deeds	042933/299659	2232
826	7590	05/25/2006	EXAMINER EKONG, EMEM	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT 2617	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,202

Applicant(s)

DEEDS, DOUGLAS

Examiner

EMEM EKONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/20/06 have been fully considered but they are not persuasive.

In response to applicants' argument and submission that Martensson would not be capable of screening calls from the telephone numbers that are not contained in the speed-dial list is not persuasive Martensson discloses a telephone apparatus with the advantage of selectively screening incoming calls depending on identity of the oncoming call, Martensson discloses a memory means, and further discloses a common abbreviated dialing memory ADM both for speed dialing and for storing telephone numbers for call screening (col. 1 lines 40-65, col. 2 lines 58-62, and col. 7 lines 15-25, the ADM is used for speed dialing and call screening). Martensson does not disclose only the speed-dialing list used for call screening as argued by applicant.

Therefore the argued limitations are the same as disclosed by the reference or the limitations are written broad such that they read on the cited art, rejections are maintained as repeated below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 12-15, 17, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5553125 to Martensson.

Regarding claim 1, Martensson discloses in a radiotelephonic device operable in a radiotelephonic communication system, an improvement of user interface apparatus for facilitating selectable call screening of a terminating call placed by a calling station and delivered to the radiotelephonic device (col. 1 line 40-col. 2 line 20),

said user interface apparatus comprising a calling-group listing formed of a first-group set of dialing numbers, the first-group set of dialing numbers select from a speed-dial set of dialing numbers selectably used at the radiotelephonic device pursuant to a speed dialing procedure (col. 3 line 58-col. 4 line 5, and col. 7 lines 16-26, the ADM may be program by the user for storing frequently used numbers at chosen memory locations, the telephone includes a speed dialing function allowing the user to call a telephone number stored in a predetermined location of the ADM using a minimum number of keystrokes), the calling group listing being separate from the speed-dial set of dialing numbers (col. 1 lines 40-65, col. 2 lines 58-62, col. 3 line 40-col. 4 line 5, and col. 4 line 63-col. 5 line13, ADM used for storing frequently used numbers and for storing telephone numbers for call screening);

a comparator (col. 2 lines 51-55, and col. 4 line 40- 50, microprocessor, master microcomputer) adapted to receive indications of the terminating call delivered to the radiotelephonic device together with an originating dialing number associated therewith and to said calling-group listing,

said comparator for comparing the originating dialing number with the first-group set of dialing numbers and for determining whether the originating dialing number corresponds with the first-group set of dialing numbers which comprise the calling-group listing and for determining whether the originating dialing number matches any of the first-group set of dialing numbers (col. 4 line 40-col. 5 line13); and

a call acceptor (i.e. display controlled by microprocessor, and means that receives telephone number matching, see claim 8) adapted to receive indications of determinations made by said comparator, said call acceptor for selectably accepting the terminating call when said comparator determines the originating dialing number to match any of the first-group set of dialing numbers which comprise the calling-group listing (col. 4 lines 56-62, and col. 7 lines 22-26).

Regarding claim 12, Martensson discloses the apparatus of claim 1 wherein the radiotelephonic device further comprises a user display and wherein, upon acceptance of the terminating call by said call acceptor, values representative of the originating dialing number, are caused by said call acceptor to be displayed on the user display (col. 4 lines 56-62, display controlled by microprocessor).

Regarding claim 13, Martensson discloses the apparatus of claim 12 wherein said calling-group listing further comprises an alpha-numeric identifier associated with each of the dialing numbers of the first-group set forming said calling-group listing and wherein the values representative of the originating dialing number comprises the alphanumeric identifier associated with the dialing number determined by said comparator to match the originating dialing number (col. 3 lines 1-56, col. 4 lines 6-23,

and col.4 lines 40-50, when the portable telephone receives an incoming call. At block 102 the telephone establishes the telephone number of the caller if a calling line identification (CLI) signal is present).

Regarding claim 14, Martensson discloses the apparatus of claim 1 wherein said call acceptor is further adapted to receive indications of determinations of said comparator that the originating dialing number fails to match any of the first-group set of dialing numbers, said call acceptor further selectably for generating a call-reject command (col. 4 lines 52-62, the display displays an additional message such as "NOT IN MEMORY" may be displayed to indicate to the user that the number of the incoming calls is not stored in memory).

Regarding claim 15, Martensson discloses a method for communicating in a radiotelephonic communication system having a radiotelephone, an improvement of a method for facilitating selectable call screening of a terminating call placed by a calling station and delivered to the radiotelephone, said method comprising:

forming a calling-group listing comprised of a first-group set of dialing numbers, the first-group set of dialing numbers selected from a speed-dial set of dialing numbers selectably used at the radiotelephone pursuant to a speed dialing procedure, the calling group listing being separate from the speed-dial set of dialing numbers (col. 1 lines 40-65, col. 2 lines 58-62, col. 3 line 40-col. 4 line 5, and col. 4 line 63-col. 5 line13, ADM used for storing frequently used numbers and for storing telephone numbers for call screening) detecting delivery of a call request to terminate a call at the radiotelephone, the call request including an originating dialing number at which the call is originated

(col. 3 line 58-col. 4 line 5, col. 5 line 58-col. 6 line 36, and col. 7 lines 16-26, the telephone number store (ADM) may be program by the user for storing frequently used numbers at chosen memory locations, the telephone includes a speed dialing function allowing the user to call a telephone number stored in a predetermined location of the ADM using a minimum number of keystrokes);

comparing the originating dialing number with the first-group set of dialing numbers which comprise the calling-group listing to determine whether the originating dialing number matches any of the first-group set of dialing numbers (col. 2 lines 51-55, and col. 4 line 40-col. 5 line13); and

accepting the call request when determination is made during said operation of comparing that the originating dialing number matches any of the first-group set of dialing numbers which comprise the calling-group listing (col. 5 lines 14-50, col. 4 lines 56-62, and col. 7 lines 22-26).

Regarding claim 17, Martensson discloses the method of claim 15 wherein the speed-dial set of dialing numbers is stored at the radiotelephone and wherein said operation of forming the calling-group listing comprises accessing indications of the speed-dial set of dialing numbers (col. 3 line 65-col. 4 line 5, The ADM (the telephone number store) may be programmed by the user for storing frequently used numbers at chosen memory locations).

Regarding claim 21, Martensson discloses In a radiotelephonic device operable in a radiotelephonic communication system, a user interface apparatus for facilitating selectable call screening of a terminating call placed by a calling station and delivered to

the radiotelephonic device, said user interface apparatus comprising (col. 1 line 40-col. 2 line 20):

a calling-group listing formed of a first-group set of dialing numbers, the first-group set of dialing numbers selected from a speed-dial set of dialing numbers selectably used at the radiotelephonic device pursuant to a speed dialing procedure (abstract, col. 2 lines 58-62, col. 3 line 36-col. 4 line 5, and col. 7 lines 16-26, the ADM may be program by the user for storing frequently used numbers at chosen memory locations, the telephone includes a speed dialing function allowing the user to call a telephone number stored in a predetermined location of the ADM using a minimum number of keystrokes), the calling group listing being separate from the speed-dial set of dialing numbers (col. 1 lines 40-65, col. 2 lines 58-62, col. 3 line 40-col. 4 line 5, and col. 4 line 63-col. 5 line13, ADM used for storing frequently used numbers and for storing telephone numbers for call screening);

a comparator adapted to receive indications of the terminating call delivered to the radiotelephonic device together with an originating dialing number associated therewith, said comparator for comparing the originating dialing number with the first-group set of dialing numbers which comprise the calling-group listing and for determining whether the originating dialing number matches any of the first-group set of dialing numbers (col. 2 lines 51-55, and col. 4 line 40-col. 5 line13, microprocessor, master microcomputer compares incoming calls to stored numbers in memory); and

a call acceptor (i.e. display controlled by microprocessor, and means that receives telephone number matching, see claim 8) adapted to receive indications of

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determinations made by said comparator, said call acceptor for selectably accepting the terminating call when said comparator determines the originating dialing number matches any of the first-group set of dialing numbers which comprise the calling-group listing (col. 4 lines 56-62, and col. 7 lines 22-26, If none of the stored numbers match the CLI number, The telephone is rung and the CLI number is displayed on the display. Additionally a message such as "NOT IN MEMORY" may be displayed to indicate to the user that the number of the incoming calls is not stored in memory).

Regarding claim 22, Martensson discloses In a radiotelephonic communication system having a radiotelephone, a method for facilitating selectable call screening of a terminating call placed by a calling station and delivered to the radiotelephonic device (col. 1 line 40-col. 2 line 20), said method comprising: forming a calling-group listing comprised of a first-group set of dialing numbers, the first-group set of dialing numbers selected from a speed-dial set of dialing numbers selectably used at the radiotelephone pursuant to a speed dialing procedure (col. 3 line 36-col. 4 line 5, and col. 7 lines 16-26, the telephone number store (ADM) may be program by the user for storing frequently used numbers at chosen memory locations, the telephone includes a speed dialing function allowing the user to call a telephone number stored in a predetermined location of the ADM using a minimum number of keystrokes), the calling group listing being separate from the speed-dial set of dialing numbers (col. 1 lines 40-65, col. 2 lines 58-62, col. 3 line 40-col. 4 line 5, and col. 4 line 63-col. 5 line13, ADM used for storing frequently used numbers and for storing telephone numbers for call screening);

detecting delivery of a call request to terminate a call at the radiotelephone, the call request including an originating dialing number at which the call is originated; comparing the originating dialing number with the first-group set of dialing numbers which comprise the calling-group listing to determine whether the originating dialing number matches any of the first-group set of dialing numbers (col. 2 lines 51-55, and col. 4 line 40-col. 5 line13); and

accepting the call request when determination is made during said operation of comparing that the originating dialing number matches any of the first-group set of dialing numbers which comprise the calling-group listing (col. 4 lines 56-62, and col. 7 lines 22-26).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 2-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson in view of U.S. Patent No. 5845219 to Henriksson.

Regarding claims 2-4, and 16, Martensson discloses the apparatus of claim 1, and the method of claim 15. However, Martensson fails to disclose further comprising an annunciator adapted to receive indications of call acceptance by said call acceptor, said annunciator for selectably annunciating the terminating call in a selected manner when the terminating call is accepted by said call acceptor;

wherein said annunciator comprises an aural annunciator, and wherein said aural annunciator selectably annunciates the terminating call with an aural sequence of sounds; and wherein the aural sequence of sounds is annunciated by said aural annunciator when said comparator determines the originating dialing number to match any of the first group set of dialing numbers of said calling group listing.

Henriksson discloses further comprising an annunciator adapted to receive indications of call acceptance by said call acceptor, said annunciator for selectably annunciating the terminating call in a selected manner when the terminating call is accepted by said call acceptor;

wherein said annunciator comprises an aural annunciator, and wherein said aural annunciator selectably annunciates the terminating call with an aural sequence of sounds; and

wherein the aural sequence of sounds is annunciated by said aural annunciator when said comparator determines the originating dialing number to match any of the

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first group set of dialing numbers of said calling group listing (col. 1 lines 64-67, col. 4 lines 35-42, and col. 4 lines 51-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Martensson, and have the aural sequence of sounds is annunciated by said aural annunciator when said comparator determines the originating dialing number to match any of the first group set of dialing numbers of said calling group listing as taught by Henriksson for the purpose of informing the user of apparatus of an incoming call.

Regarding claims 5, and 6, Martensson discloses the apparatus of claim 1, however, Martensson fails to disclose wherein the radiotelephonic device comprises a removable memory element and wherein said calling-group listing is formed at the removable memory element;

wherein the speed-dial set of dialing numbers is further formed at the removable memory element.

Henriksson discloses wherein the radiotelephonic device comprises a removable memory element and wherein said calling-group listing is formed at the removable memory element;

wherein the speed-dial set of dialing numbers is further formed at the removable memory element (col. 3 lines 38-45, and col. 4 lines 50-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Martensson, and have the

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radiotelephonic device comprises a removable memory element and said calling-group listing is formed at the removable memory element; wherein the speed-dial set of dialing numbers is further formed at the removable memory element for the purpose of convenience to the user and for free association with other mobile communication devices.

7. Claims 7-11, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson in view of U.S. Patent No. 6289084 B1 to Bushnell.

Regarding claims 7-11, and 18, Martensson discloses apparatus and method of claims 1 and 17, and a speed-dial set of dialing numbers. However, Martensson fails to disclose a calling-group listing creator adapted to receive indications of a set of dialing numbers, said calling-group listing creator for creating said calling-group listing;

wherein the radiotelephonic device comprises a memory element and wherein said calling-group listing, once created by said calling-group listing creator, is stored by said calling group listing creator at the memory element;

said calling-group listing creator further adapted to receive selected input actuations generated by the user actuator and wherein said calling-group listing creator operates to create said calling-group listing responsive to reception of the selected input actuations;

wherein said calling group listing creator creates said calling-group listing by copying at least one of the speed-dial set of dialing numbers;

wherein the originating dialing number comprises a sequence of digits, wherein each dialing number of said calling-group listing also comprises a sequence of digits and wherein said comparator compares values of the digits forming the originating dialing number with corresponding digits of each dialing number of said calling-group listing.

Bushnell discloses a calling-group listing creator adapted to receive indications of a set of dialing numbers, said calling-group listing creator for creating said calling-group listing(col. 4 lines 44-51, col. 10 lines 10-33, affinity database created by the processor);

wherein the radiotelephonic device comprises a memory element and wherein said calling-group listing, once created by said calling-group listing creator, is stored by said calling group listing creator at the memory element (col. 9 lines 34-61 and col. 10 lines 25-26);

said calling-group listing creator further adapted to receive selected input actuations generated by the user actuator and wherein said calling-group listing creator operates to create said calling-group listing responsive to reception of the selected input actuations (col. 6 lines 21-45, and col. 9 lines 55-58);

wherein said calling group listing creator creates said calling-group listing (affinity database) by copying at least one of the speed-dial set of dialing numbers (col. 4 lines 44-51, i.e. a set of frequently dialed numbers);

wherein the originating dialing number comprises a sequence of digits, wherein each dialing number of said calling-group listing also comprises a sequence of digits and wherein said comparator compares values of the digits forming the originating

dialing number with corresponding digits of each dialing number of said calling-group listing (see figure 2, and col. 7 lines 9-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Martensson, and have a calling-group listing creator adapted to receive indications of a set of dialing numbers, said calling-group listing creator for creating said calling-group listing by copying the speed-dial set of dialing numbers comprises a sequence of digits for the purpose of storing a list of preferred numbers and screening calls based on stored list of number.

Regarding claim 20, the combination of Martensson and Bushnell discloses the method of claim 18 wherein the radiotelephone further comprises a user actuation and wherein said operation of copying is performed responsive to selected actuation of the user actuator (Martensson, col. 5 line 58-col. 6 line 60).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to the apparatus:

U.S. Pat. No. 4266098 to Albert P. Novak (Novak)

U.S. Pat. No. 5276731 to Ygal Arbel (Arbel et al.)

U.S. Pat. No. 5434906 to Michael J. Robinson (Robinson et al.)

U.S. Pat. No. 5465290 to Thomas H. Hampton (Hampton et al.)

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMEM EKONG whose telephone number is 571 272 8129. The examiner can normally be reached on 8-5 Mon-Fri..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571 272 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EOE
5/18/2006



NICK CORSARO
PRIMARY EXAMINER